

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LYDIA ROSSI, Individually and as Special)	
Administrator of the Estate of Bonnie Rossi,)	FILED: SEPTEMBER 09, 2008
Deceased,)	08CV5139
)	JUDGE CONLON
Plaintiff,)	MAGISTRATE JUDGE NOLAN
)	RCC
v.)	
)	
SAINT FRANCIS HOSPITAL,)	
RESURRECTION HEALTH CARE,)	
TERESA KURIAN, R.N., CALIFORNIA)	
DEVON MEDICAL CENTER, S.C.,)	
ALEXANDRA LINCHEVSKAYA, M.D.,)	No.
BRADLEY GORDON, M.D., DENNIS)	
O'BRIEN, M.D., INFINITY)	
HEALTHCARE, INC., XIMENA LLOBET,)	Formerly case No. 2008 L 4265, Circuit
M.D., RESURRECTION HOME HEALTH)	Court of Cook County, Illinois.
SERVICES d/b/a RESURRECTION)	
HEALTH CARE HOME HEALTH)	
SERVICES, COLLEEN KELLEY, R.N.,)	
ACCESS COMMUNITY HEALTH)	
NETWORK d/b/a EVANSTON-ROGERS)	
PARK FAMILY HEALTH CENTER,)	
EVANSTON-ROGERS PARK FAMILY)	
HEALTH CENTER, SINAI MEDICAL)	
GROUP, LTD, AND SERAFIN)	
VERAMENDI, M.D.,)	
)	
Defendants.)	

NOTICE OF REMOVAL OF A CIVIL ACTION

To: Dorothy Brown, Clerk
Circuit Court of Cook County
Richard J. Daley Center
Chicago, Illinois 60602

Attorneys of Record
See Service List Attached

The UNITED STATES, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to 28 U.S.C. § 2679, and in support states the following:

1. On April 14, 2008, plaintiff commenced the above civil action against Access Community Health Network d/b/a Evanston Rogers Park Family Health Center and Serafin Veramendi, M.D., in the Circuit Court of Cook County, alleging negligence. Copies of all process, pleadings and orders served upon the defendant are attached pursuant to 28 U.S.C. § 1446(a) as Exhibit A.

2. This notice of removal is filed in accordance with 28 U.S.C. § 2679(d) upon certification by the designee of the Attorney General of the United States, that Access Community Health Network d/b/a Evanston Rogers Park Family Health Center and Serafin Veramendi, M.D., were acting within the scope of their employment as federal government employees at the time of the incident out of which the claim arose. *See* Certification attached as Exhibit B.

3. Notice of removal may be filed without bond at any time before trial. 28 U.S.C. § 2679(d)(2). Trial has not yet been had in this action.

4. Pursuant to the Certification by the Attorney General's designee and the filing of this notice of removal, this civil action shall be deemed an action against the United States under 28 U.S.C. § 2679, and the United States shall be substituted as the party defendant in lieu of Access Community Health Network d/b/a Evanston Rogers Park Family Health Center and Serafin Veramendi, M.D.

WHEREFORE, this action now pending in the Circuit Court of Cook County, Illinois is properly removed to this court pursuant to 28 U.S.C. § 2679(d), and the United States is substituted as defendant in lieu of Access Community Health Network d/b/a Evanston Rogers Park Family Health Center and Serafin Veramendi, M.D.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

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